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PEDRO IGOR ALVES BARBOSA and
VITOR DOMINGUES VALENTINI
DOS REIS

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PEDRO IGOR ALVES BARBOSA,
et. al.

Defendants.

Case no.17-cr-00001

JOINT STIPULATION TO CONTINUE
PRETRIAL MOTIONS

(First Request)

IT IS HEREBY STIPULATED AND AGREED, by and between Steven W. Myhre, Acting United States Attorney, and John Patrick Burns, Assistant United States Attorney, counsel for the United States of America, and Patricia M. Erickson, counsel for defendants Pedro Igor Alves Barbosa and Vitor Domingues Valentini Do Reis, David R. Fischer, counsel for defendant Andre Araiyo Rodrigues, and Bret O. Whipple, counsel for defendant Francisco Rui de Alencar Mendes Filho that defendants will have to and including May 26, 2017 within which to file the defendants' pretrial motions.¹

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¹ On February 27, 2017 a separate stipulation was filed on behalf of the other defendants who had previously been arraigned in the case at bar. This stipulation continued the filing dates for the pretrial motions, responses and reply pleadings. The dates in the present stipulation mirror the due dates established in the February 27, 2017 stipulation for all other defendants.

1 IT IS FURTHER STIPULATED AND AGREED, by and between the parties,
2 that the government shall have to and including June 9, 2017 within which to file any and
3 all responsive pleadings.

4 IT IS FURTHER STIPULATED AND AGREED, by and between the parties,
5 that the defendants shall have to and including June 16, 2017 within which to file any and
6 all replies to the pretrial motions.

7 This Stipulation is entered into for the following reasons:

8 1. That discovery in this case is voluminous. Counsel for the defendants
9 were required to submit a three terabit hard drive for the government to download the
10 discovery.

11 2. That the government is in the process of downloading the discovery
12 to the individual hard drives.

13 3. That defendants Dos Reis, Filho and Rodrigues were arraigned on
14 March 10, 2017. Defendant Barbosa was arraigned on March 30, 2017.

15 4. That once discovery is received from the government, counsel for the
16 defendants will need additional time to review the discovery.

17 5. That the defendants are incarcerated and do not object to the
18 continuance of the dates for the filing of pretrial motions, responses and replies.

19 6. The parties agree to the continuance.

20 7. Additionally, denial of this request for continuance could result in a
21 miscarriage of justice.

22 8. For all of the above stated reasons, the end of justice would best be
23 served by a continuance of the parties motions, responses and reply deadlines.

24 9. That denial of this request for a continuance of the pretrial motions,
25 responses and reply deadlines would deny counsel for both the government and the
26 defendants sufficient time within which to be able to adequately research, prepare and
27 submit for filing appropriate motions, responses and replies.

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1 10. That the additional time requested by this Stipulation is excludable in
2 computing the time within which the trial herein must commence pursuant to the Speedy
3 Trial Act, Title 18, United States Code, Section 3161(h)(1)(D) and Title 18, United States
4 Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
5 Sections 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

6 11. This is the first request to continue the pretrial pleadings' dates filed
7 herein.

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9
10 /s/
11 _____
12 John Patrick Burns
 Assistant United States Attorney
 Counsel for the Plaintiff

 /s/

 Patricia M. Erickson
 Counsel for Defendants Barbosa and
 Dos Reis

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16 /s/
17 _____
18 David R. Fischer
 Andre Araiyo Rodrigues

 /s/

 Bret O. Whipple
 Francisco Rui de Alencar Mendes Filho

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
3

4 UNITED STATES OF AMERICA,

5 Plaintiff,

6 vs.

7 PEDRO IGOR ALVES BARBOSA,
8 et. al.

9 Defendants.

Case no.17-cr-00001

FINDINGS OF FACT, CONCLUSIONS
OF LAW and ORDER

10 **FINDINGS OF FACT**
11

12 Based on the pending Stipulation of counsel, and good cause appearing
13 therefore, the Court finds that:

14 1. Discovery in this case is voluminous. Counsel for the defendants were
15 required to submit a three terabit hard drive for the government to download the discovery.

16 2. The government is in the process of downloading the discovery to the
17 individual hard drives.

18 3. Defendants Dos Reis, Filho and Rodrigues were arraigned on March
19 10, 2017. Defendant Barbosa was arraigned on March 30, 2017.

20 4. Once discovery is received from the government, counsel for the
21 defendants will need additional time to review the discovery.

22 5. The defendants are incarcerated and do not object to the continuance
23 of the dates for the filing of pretrial motions, responses and replies.

24 6. The parties agree to the continuance.

25 7. Additionally, denial of this request for continuance could result in a
26 miscarriage of justice.

27 8. For all of the above stated reasons, the end of justice would best be
28 served by a continuance of the parties motions, responses and reply deadlines.

9. The denial of this request for a continuance of the pretrial motions, responses and reply deadlines would deny counsel for both the government and the defendants sufficient time within which to be able to adequately research, prepare and submit for filing appropriate motions, responses and replies.

10. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(1)(D) and Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

11. This is the first request to continue the pretrial pleadings' dates filed herein.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(1)(D), 3161(h)(7)(A) when the considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

ORDER

IT IS THEREFORE ORDERED that the defendants will have to and including May 26, 2017 within which to file the defendants' pretrial motions and notices of defense.

IT IS FURTHER ORDERED that the government shall have to and including June 9, 2017 within which to file any an all responsive pleadings.


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1 IT IS FURTHER ORDERED that the defendants shall have to and including
2 June 16, 2017 within which to file any and all replies to the pretrial motions.

3 DATED this 11th day of April, 2017.

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6 UNITED STATES DISTRICT JUDGE
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